

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

COMMIL USA, LLC

v.

CISCO SYSTEMS, INC., ET AL

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CIVIL ACTION NO. 2:07-CV-341 (CE)

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**Jury Trial Day Four  
May 14, 2010**

**OPEN: 8:27 a.m.**

**ADJOURN: 12:13 p.m.**

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ATTORNEYS FOR PLAINTIFF:

Richard "Dick" Sayles  
Eve Henson  
Chris Hogue  
Mark Werbner  
Mark Strachan

ATTORNEYS FOR DEFENDANTS:

Jeff Ostrow  
Otis Carroll  
Harrison "Buzz" Frahn  
Patrick King  
Mike Jones

LAW CLERK:

Jim Warriner

COURT REPORTER:

Shelly Holmes, CSR

COURTROOM DEPUTY:

Jan Lockhart

8:27 a.m. Court opened. Hearing outside the presence of the jury.

Court informed the parties that it intended to excuse juror #10 pursuant to Federal Rule of Civil Procedure 47(c). Counsel for the parties, Mr. Sayles and Mr. Ostrow indicated there were no objections.

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8:31 a.m. Recess.

8:43 a.m. Jury returned to courtroom. Court reconvened.

8:45 a.m. Mr. Werbner gave a brief summary of the case on behalf of Plaintiff.

8:50 a.m. Mr. Ostrow gave a brief summary of the case on behalf of Defendant.

8:55 a.m. Mr. Carroll continued his direct examination of Dr. Becker.

10:06 a.m. Mr. Strachan conducted cross examination of Dr. Becker.

10:15 a.m. Morning recess.

10:43 a.m. Court reconvened. Mr. Strachan continued his cross examination of Dr. Becker.

10:56 a.m. Bench conference.

10:57 a.m. Mr. Strachan continued his cross examination of Dr. Becker.

11:03 a.m. Bench conference.

11:05 a.m. Re-Direct examination of Dr. Becker by Mr. Carroll.

11:07 a.m. The parties passed the witness. Mr. Ostrow indicated that the defense rests

11:07 a.m. Mr. Sayles indicated that the Plaintiff was ready for rebuttal case.

11:08 a.m. Mr. Strachan called Roger Carlile to testify. Mr. Carlile was previously sworn and was examined under oath.

11:10 a.m. Bench conference.

11:11 a.m. Mr. Strachan continued his examination of Mr. Carlile.

11:13 a.m. Mr. Carroll conducted cross examination of Mr. Carlile.

11:16 a.m. Mr. Strachan conducted re-direct examination.

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11:17 a.m. The parties passed the witness. Mr. Werbner called Joe McAlexander to testify. Mr. McAlexander was previously sworn and was examined under oath.

11:32 a.m. Mr. Frahn objected to question. The Court ruled. Mr. Werbner continued his examination of the witness.

11:33 a.m. Mr. Frahn objected to question. The Court ruled. Mr. Werbner continued his examination of the witness.

11:36 a.m. The Court asked the witness questions. Mr. McAlexander responded.

11:37 a.m. Mr. Werbner continued his examination of Mr. McAlexander.

11:56 a.m. Bench conference.

11:58 a.m. Jury excused until Monday morning at 9:00 a.m.

11:59 a.m. Hearing outside the presence of the jury. The Court will handle the charge conference on Monday at 8:00 a.m.

12:00 p.m. The Court heard the Plaintiff's Motion for Judgment as a Matter of Law.

12:13 p.m. Court adjourned.